



Law Offices of
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Perman Glenn, III*

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A Professional Corporation

Nancy C. Snyder

December 7, 2005

United States District Court of MA
U.S. Attorney's Office
AUSA Paul Smyth
1550 Main Street
Springfield, MA 01103

RE: United States of America v. Miguel Lozada
Criminal No: 05-MJ-631

Dear AUSA Smyth:

As you are aware we have recently filed our Notice of Defense which includes the Defense of Entrapment. It is our position that your cooperating witness, Julian Rios, held a high position of power within the local Latin King hierarchy and that he utilized his position of power to force Mr. Lozada to do his bidding. It is our belief that the government knew that Mr. Lozada would act when the request was made on him by Mr. Rios due simply to fear of the repercussions if he didn't follow through. We believe that much of the information we are requesting in this letter will only strengthen our argument of an entrapment defense.

Please be advised that I would like to take this opportunity to address the following matters:

1. I am hereby requesting that you forward copies of any and all consensual tapes and video recordings that were made of conversation and personal meetings by Julian Rios aka Tuna and my client, Miguel Lozada. I believe that these items were previously given to me but returned due to the fact that FBI Agent Karnagekis's laptop malfunctioned and we were unable to open the DVD in question. I would sincerely appreciate it if you could forward me another copy of the requested items at your earliest possible convenience.
2. I am also requesting that you provide me with information pertaining to Julian Rios whom was assisting the Government in its efforts to capture certain alleged criminals including my client, Mr. Lozada. Specifically I would like to request the following information regarding Mr. Rios:

- a. In response to my review of discovery already produced, I would like the name of Mr Rios' government handler.
- b. In response to my review of the discovery already produced, I would like to request that I be provided with the number of times in which Mr. Rios and his handler met throughout the course of the investigation.
- c. In response to my review of the discovery already produced, I would like to request detailed information pertaining to the payments made by the government to Julian Rios, including memos and reports regarding the method of payment made by the government to Mr. Rios.
- d. In response to my review of the discovery already produced, I would like to know whether the government was providing any financial assistance and/or other benefits to members of Mr. Rios' family and or friends.
- e. In response to my review of the discovery already produced, I would like any information and/or documentation pertaining to the Government determining that Mr. Rios would make a suitable cooperating witness on behalf of the government in its investigation against the Defendant, Miguel Lozada, and any other individuals targeted by the government with the help of Julian Rios. It is defense counselors understanding that an individual is reviewed carefully before he/she is permitted to become a cooperating witness.
- f. In response to my review of the discovery already produced, I would like to know whether any requests for additional money and or other benefits have been made by Julian Rios and or members of his family besides money and benefits already paid by the government .
- g. In response to my review of the discovery already produced it is my understanding that Mr. Rios has received approximately \$32,000.00 in financial assistance for his involvement in this investigations. We specifically would like to request information detailing how this amount of money was determined and on what basis as well as details pertaining to exactly when said payments by the Government began.
- h. In response to my review of the discovery already produced, I would like to be advised of any offenses alleged to have been committed by Julian Rios both prior to and following the investigation of the Defendant; but did not result in charges/indictments against Julian Rios.
- i. In response to my review of the discovery already produced I would like to be provided with Julian Rios' age, residence, marital status, names and ages of any

children and occupation.

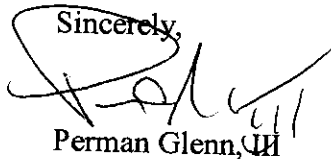
- j. In response to my review of the discovery already produced, I would like to have forwarded any information in the Government's possession regarding the status of Julian Rios within the Latin Kings organization and whether the government does have information which indicates that Julian Rios is the second in charge of the Massachusetts division of the Latin Kings.
 - k. In response to my review of the discovery already produced, I would request any information detailing the manner in which Julian Rios was introduced to government investigators and whether his introduction to government investigators was made voluntarily.
 - l. In response to my review of the discovery already produced, please provide the cell phone number and name of cell phone provider for Julian Rios.
 - m. In response to my review of the discovery already produced I would request any information pertaining to the Latin Kings Organization which has been obtained as a result of the investigation of the Defendant and any other individuals whom have been targeted by the government with the assistance of Julian Rios.
 - n. In response to my review of the discovery already produced I would request any government agent logs pertaining to the investigation of Miguel Lozada including data regarding the number of times attempts were made to contact Miguel Lozada prior to his indictment either by Julian Rios and or any other individual assisting the government in its investigation of the Defendant.
 - o. In response to my review of the discovery already produced I would request any and all proffer agreements signed by Julian Rios and his attorney with the government in the entire time that the government has known Julian Rios.
3. In addition, my review of the discovery in this case which was already produced by the government, I would also like to request further information pertaining to the defendant, Miguel Lozada, including:
- a. The criminal records of the Defendant, Miguel Lozada;
 - b. The length of time that the cooperating witness, Julian Rios claims to have known Miguel Lozada;
 - c. Who volunteered initial information regarding Miguel Lozada to the government;
 - d. What information does the government have regarding Miguel Lozada's relationship to

- the Latin King organization and what his alleged position is within said organization;
- e. Whether or not the cooperating witness, Julian Rios, did receive monetary inducement specifically for his role in arrest/indictment of Miguel Lozada.
 - f. How long had the witness, Julian Rios known Miguel Lozada at the time of this investigation;
 - g. With regard to their believed positions within the Latin King Organization, it appears that Julian Rios held a major leadership position within the Organization, whereas Miguel Lozada held no significant position. What position did each of these individuals actually hold within the organization according to the Government's investigation.
4. All monitoring logs, synopsis reports (if applicable), and ten-day periodic reports.
 5. A list of "Coded Words and Phrases" which the government claims refers to "weapon" and/or "firearm" communications.
 6. A "list of pertinent calls" as determined at the time of the interception.
 7. A breakdown by named-defendants of all of the telephone calls in which he or she participated.
 8. Additionally, please provide all inventory orders, inventories and reports or service thereof.
 9. All sealing orders contained in the miscellaneous files filed pursuant to title 18 U.S.C. §2518(8)(a). Likewise, I am requesting the unsealing of these files.
 10. All of the incidents reports, logs, notes or record (for example, DEA 6's and FBI 302's) which memorialize the government's use of the informants in this case.. This request includes, but is not limited to, interviews with cooperating witnesses and informants, all reports of surveillance relating to this case, reports of any efforts to introduce informants or undercover agents into the alleged organizations, reports memorializing the government's attempt to discover the members of this organization and its methods of operation and reports of all attempts to set up controlled purchases and sales of cocaine, heroin or other controlled substances, and/or purchases of firearms.
 11. All trap & trace and pen register information in computerized (and readable) format for all telephones intercepted as a result of this investigation. Additionally, I am requesting the applications, unredacted affidavits and orders for such interception. Further, I am requesting the unsealing of the miscellaneous court files which contain these documents.
 12. All unredacted search warrant affidavits, warrants and returns issued in these investigations, and

in the related state investigations. Likewise, I am requesting the unsealing of these files.

13. The date, time and place of every occasion on which a surveillance, mail cover, search and/or seizure, whether electronic, photographic, videotape, mechanical, visual, oral, or any other type, was made of any defendant, their residences, any person or entity associated with them, together with all documents, photographs, recordings or other material resulting from, or reflecting, or relating to, such occasion, including but not limited to unredacted affidavits and warrants utilized in connection therewith.
14. Any statements as to whether or not, during the course of the investigation of this matter, the defendants photography likeness or image was exhibited to anyone. This request includes a list of the date(s), time(s) and place(s) of each such occurrence, and the name(s) of the person(s), including counsel who were present.
15. A written list of names, addresses and qualifications of all experts the government intends to call as witnesses at trial, including but not limited to law enforcement officers, together with all reports made by such experts or, if reports have not been made, a brief description of the opinion and subject matter to which each is to testify.

Please feel free to contact me to discuss any of the issues which I have noted above.

Sincerely,

Perman Glenn, III

cc: Clerk's Office